



State of New Jersey

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MEMORANDUM

DATE: April 23, 2004

TO: Policy and Implementation Committee

FROM: Larry L. Liggett, Director, Land Use and Technology Programs

SUBJECT: Potential Pinelands Management Area Redesignation

?????

TOPIC:

Recommendation to redesignate Rural Development Area to Forest Area in Ocean and Lacey Townships, Ocean County.

INTRODUCTION:

As a result of the findings of a recent report, "The Essential Character of the Oyster Creek Watershed" written by the Pinelands Commission Science Office staff in March 2004 (attached and hereafter referred to as "Assessment"), it is necessary to take a look at the appropriateness of the management area designations originally established by the Comprehensive Management Plan (CMP) for an area in Lacey and Ocean Townships, Ocean County, primarily west of the Garden State Parkway (Figure 1). The Oyster Creek watershed covers a large section of this area, with the Waretown Creek watershed covering the rest (Figure 2). This area, consisting of approximately 4,095 acres, was designated as Rural Development Area (RDA), primarily due to the existence of Southern Ocean Landfill. However, due to the natural resources present in the area, it may be more appropriately protected if redesignated as Forest Area (FA).



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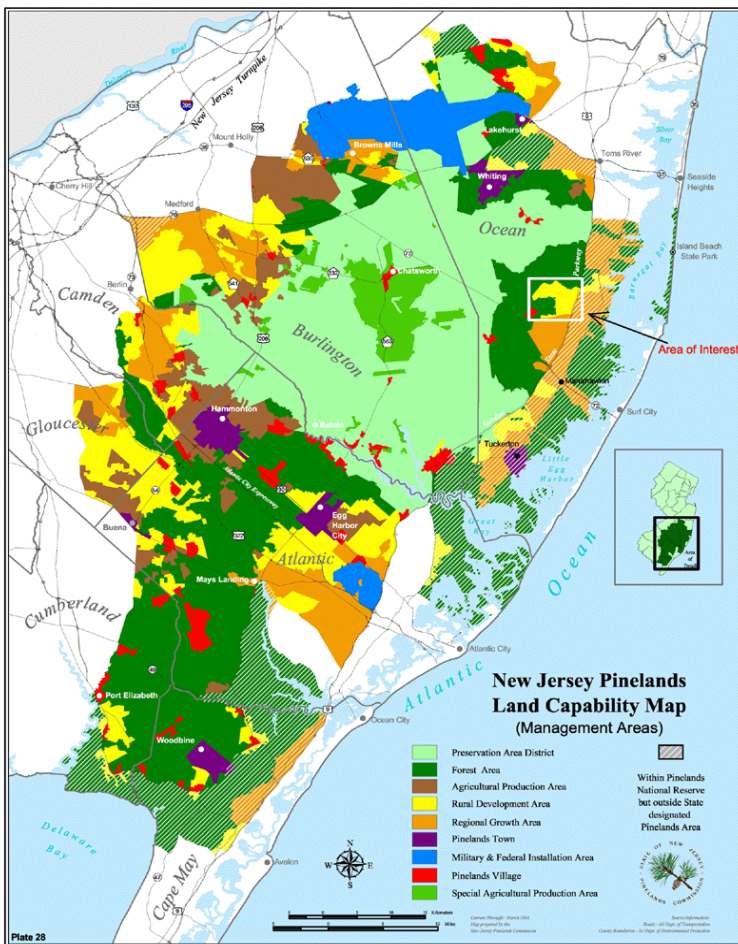


Figure 1. Land Capability Map.

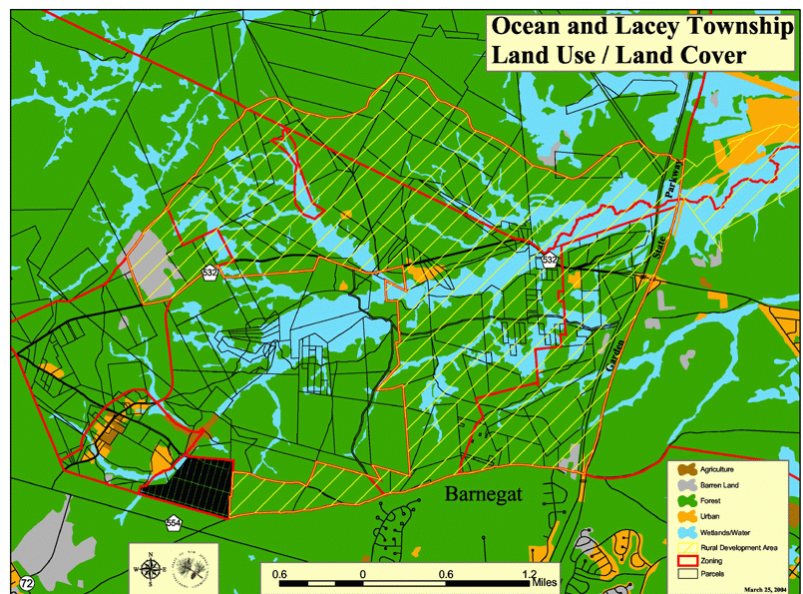


Figure 2. Oyster Creek and Waretown Creek Watersheds.

CURRENT AND FUTURE DEVELOPMENT:

Current Land Use

Currently, the area is relatively undeveloped, with less than 2% of the total acreage (66 of 4,095 acres) developed (Figure 3).

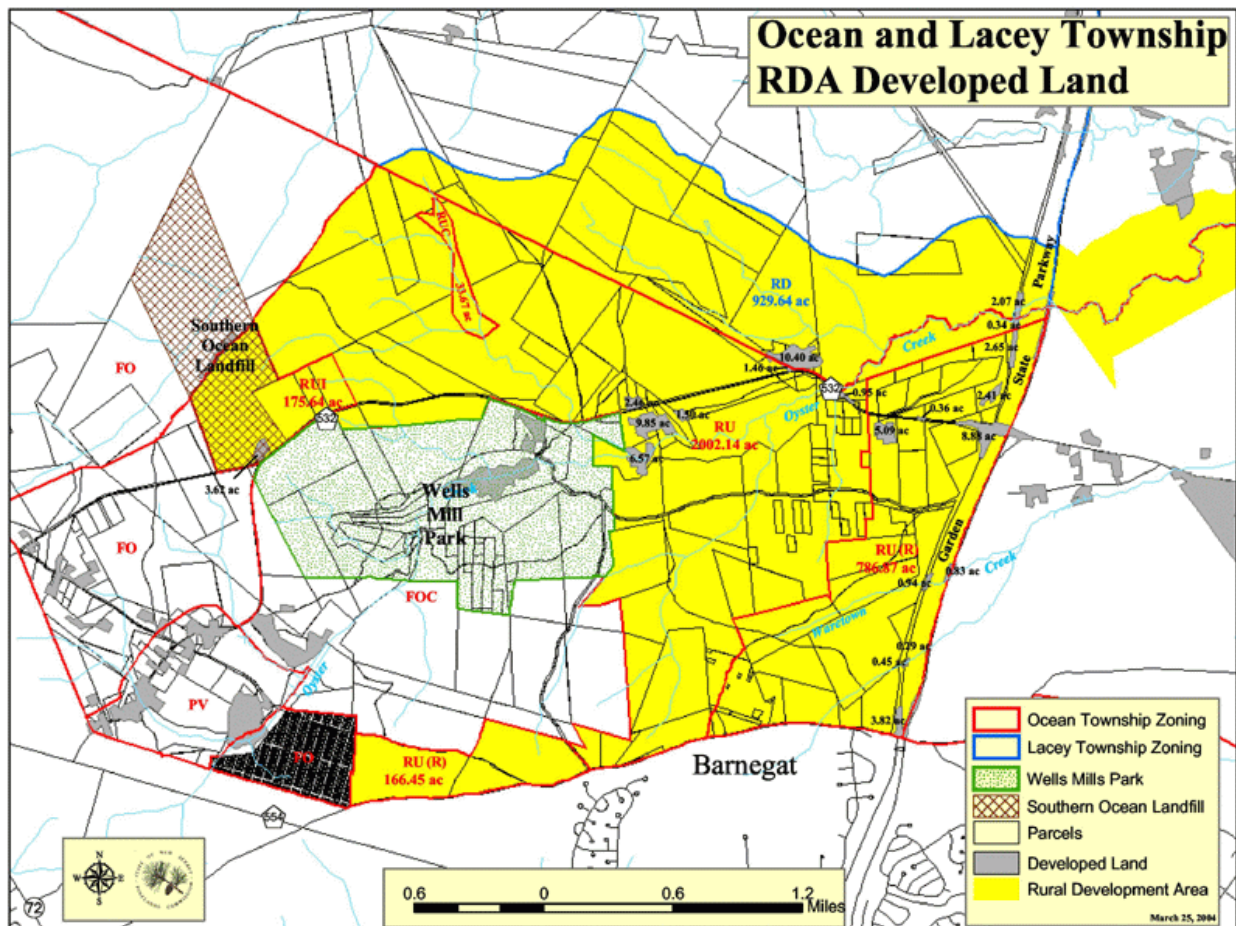


Figure 3. Developed Land in the Area of Interest.

Applications

There are four pending development applications in Ocean Township and two in Lacey (Figure 4). Of the four applications in Ocean Township, three are for residential development, totaling six houses on 59 acres. In Lacey, both applications are in regards to one house on 229 acres. Therefore, the depiction of the applications in Figure 4 is slightly deceptive; development in the RDA has been relatively minor.

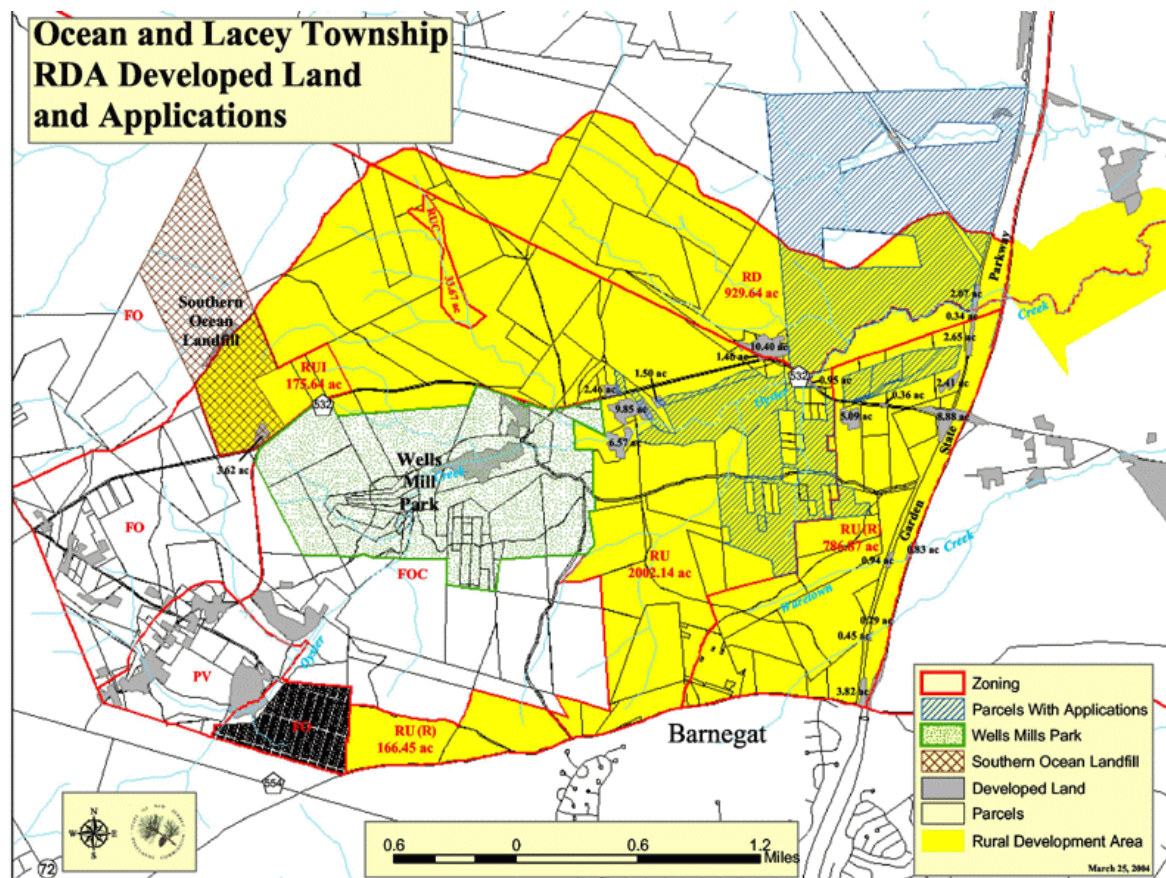


Figure 4. Development and Development Applications in the Area of Interest.

Residential Zoning Capacity

Under the current zoning, the total zone capacity (number of homes which could be built) in the RDA in Lacey Township is 85 homes; in Ocean Township is approximately 591 homes; all total is approximately 675 homes (Table 1).

Table 1. Zone capacity in Lacey and Ocean Townships in the RDA west of the Garden State Parkway.

| | | | | |
|--------------|-------------|--|----------------|------------------------------|
| Lacey | | | | |
| | <i>Zone</i> | <i>Permitted Density</i> | <i>Acreage</i> | <i>Maximum zone capacity</i> |
| | RD | 1du/11 acres | 930 | 85 |
| Ocean | | | | |
| | <i>Zone</i> | <i>Permitted Density</i> | <i>Acreage</i> | <i>Maximum zone capacity</i> |
| | RUI | industrial zone; no residential uses permitted | 176 | 0 |
| | RUC | conservation zone; no residential uses permitted | 34 | 0 |
| | RU | 1du/5 acres | 2,002 | 400 |
| | RU(R) | 1 du/5 acres | 953 | 190 |
| | | | | |
| | | Totals in Ocean | 3,165 | 590 |
| | | | | |
| | | Totals in both Lacey and Ocean Townships | 4,095 | 675 |

MANAGEMENT AREA DESIGNATION AND CURRENT STATUS:

The CMP explains how management area boundaries were established and what criteria were used (p. 197—209). This process is also briefly explained in the introduction of the science paper. Basically, the more Pinelands resources found in an area, the more the area approximates the essential character of the Pinelands and should be designated Forest Area. There are seven criteria to be re-considered: (1) Ecologically critical areas, (2) Undisturbed watersheds, (3) Wetlands, (4) Cranberry cultivation, (5) Areas of deep aquifer recharge, (6) Unique resources, and (7) Public lands managed for resource protection or recreation.

The Assessment found the following important points that correspond to the CMP criteria:

(1) **Ecologically critical areas:** In the original CMP, this area was not recognized as an ecologically critical area. However, the Assessment suggests the following:

- It appears that the Oyster Creek watershed is habitat for critical plant and animal species.

(2) **Undisturbed watersheds:** This area meets three out of the four designation criteria and new water quality information suggests that the fourth criteria, “no major solid waste disposal sites”, was given too much weight in the determination to downgrade the management area from FA to RDA.

- While nearly all drainage basins in the Oyster Creek were minimally disturbed, none of the drainages in the RDA exceeded the five-percent threshold set by the CMP (Assessment, p.3). Likewise, the area of the Waretown Creek that is in the RDA, only 4.1% is developed (Assessment, p.15).
- It appears that the landfill has not affected the surface water quality of Oyster Creek.
- Surface water quality variables in Oyster Creek reflect that it is a minimally disturbed landscape and that it has Pinelands reference stream quality (Assessment, p.6). Waretown Creek is also minimally disturbed; however, the only downstream data for Waretown Creek show some minimal signs of disturbance, possibly from run-off from the Garden State Parkway and Route 9 (Assessment, p.15).

(3) **Wetlands:** This area’s wetlands are typical of Pinelands sub-basins.

- ? Wetlands comprised approximately 20% of the Oyster Creek watershed in the RDA (Assessment, p.1) and approximately 27% of the Waretown Creek in the RDA, which are typical of Pinelands basins that average 25% of land coverage being wetlands.

(4) **Cranberry cultivation:** 0.3 % of the Oyster Creek sub-watershed is wetlands agriculture; and there is no new information that suggests this has changed.

(5) **Areas of deep aquifer recharge:** The presence of a clay lens eliminates deep aquifer recharge and there is no new information that suggests this has changed.

(6) **Unique resources:** The original CMP does not recognize this area as one with unique resources, however, the new analysis finds following:

- Oyster Creek watershed supports typical Pinelands aquatic communities. Among these communities are numerous records of several species listed as threatened or endangered by the Commission (Assessment, p.12). Native Pinelands fish, anurans, and flora reflect the excellent water quality measured at this site (Assessment, p.11).

- Plant species characteristic of reference streams in the central Pinelands were found along Waretown Creek at Route 9. Three species of native Pinelands fish and two species of native anurans were also found (Assessment, p.16).
- Part of the northerly portion of Oyster Creek watershed is a part of the fireshed necessary to the health of the Pine Plains (Assessment, p. 11).

(7) **Public lands managed for resource protection or recreation:** At the time the original CMP was adopted (1980), there were no public lands managed for resource protection or recreation in the vicinity. However, current information shows that:

- ? Ocean County Park at Wells Mills (purchased in 1985) occupies nearly 1,000 acres in the Oyster Creek watershed (Assessment, p.14). (Figure 4)

CONCLUSION:

In four of the seven CMP criteria used to designate Management Areas (ecologically critical areas, undisturbed watersheds, unique resources, and public lands), new information strongly suggests that this area in the two sub-basins meets the criteria for designation as a Forest Area. In the other three criteria, the wetlands in the watersheds were and are found to be typical of the Pinelands; and the other two criteria, cranberry cultivation and areas of deep aquifer recharge, do not apply and have not changed.

It appears that the landfill was given a disproportionate amount of weight in determining the management area designation of this area as Rural Development. Other than the presence of Southern Ocean Landfill, the area clearly demonstrates the characteristics that are associated with Forest Area designation.

Based upon the above findings, it is recommended that the Commission redesignate this area in Ocean Township and Lacey Township from RDA to FA.¹ Such a redesignation would need to be accomplished through the adoption of an amendment to the CMP; it could not be accomplished through the normal conformance process. If the Commission were to adopt such an amendment, both municipalities would then be required to rezone the area in question from its current location in various RDA zoning districts to one or more FA zoning districts. Maximum permitted density would drop from 1du/3.2 acres of vacant upland to 1du/15.8 acres of vacant upland. The result would be a significant decrease in residential zoning capacity from approximately 675 homes to approximately 185 homes.

¹ Note: this finding could also have some applicability to the PNR portion of Ocean Township as well; however, planning discussions between the Commission, the Township, NJ DEP and the State Planning Commission are on-going and no final recommendations can be made at this time.

LITERATURE CITED:

Pinelands Commission. 1980. New Jersey Pinelands Comprehensive Management Plan. New Jersey Pinelands Commission, New Lisbon, New Jersey.

Zampella, R.A., N.A. Procopio, K.J. Laidig, and J.F. Bunnell. 2004. The Essential Character of the Oyster Creek Watershed. Pinelands Commission, New Lisbon, New Jersey.